

Accordingly, the Requirement's analysis of the possible unifying features of, e.g., claims 1 and 17 as presented in the action omits a fundamental unifying feature of the claimed invention, i.e., that the tRNA be orthogonal to the system at issue. The claims should, accordingly, be rejoined.

Regarding the requirement for restriction among sequence species, Applicants respectfully note that the claims are unified by generic claims that do not include the sequences of the requirement, at all. Accordingly, the appropriate practice in the instant case is to require election of species (37 C.F.R. § 1.144). In the event that a *generic* claim is not found to be patentable, the claims would be limited to the elected species (if this procedure is adopted, Applicants elect the species of SEQ ID NO:15). Alternately, the Office can use *rejoinder* procedure appropriate for generic linking claims, e.g., as specified beginning at MPEP 809, which results in rejoinder of sequences if a generic claim is found patentable. In any case, the subject restriction requirement, that ultimately requires *amendment* of a purely *generic* claim, exceeds the 35 USC § 121 statutory authority of the Patent Office, as expressly specified, e.g., by *In Re Weber* 198 USPQ 328 (CCPA 1978), *In Re Haas* 198 USPQ 334 (CCPA 1978) and *In re Harnish* 206 USPQ 300 (CCPA 1980), e.g., as discussed at MPEP 803.02.

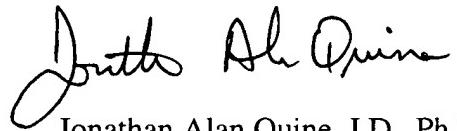
Applicants also do not agree that the relationship between structure and function of the relevant tRNA has been left unspecified in the instant case. Applicants have provided a highly detailed description, replete with dozens of working examples, that break down the relevant relationships between *structure* of the claimed tRNA and its *function*. The precise function of each and every region of the leucyl tRNA is *expressly* set forth, along with appropriate modifications that can be made to achieve particular *functional* features, including improved orthogonality, selector codon suppression, and activity with any of a wide variety of (expressly taught) orthogonal synthetases. The Examiner is referred, e.g., to pages 57-80 and Figures 1-5.

Finally, Applicants respectfully note that claims 1-26 have already been co-examined in the PCT by the Examiner of the instant case. Applicants submit that the combined claims can, accordingly, be co-examined in the US national phase without undue examination burden.

In the event that a teleconference would be helpful, please contact the undersigned.

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Respectfully submitted,



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Attachments:

- 1) A transmittal sheet; and,
- 2) A receipt indication postcard.